



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,433	03/19/2004	Atsushi Nakajima	KOY-29	7159

20311 7590 10/13/2006

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK, NY 10016

EXAMINER

TRAN, LY T

ART UNIT	PAPER NUMBER
----------	--------------

2853

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/804,433	Applicant(s) NAKAJIMA, ATSUSHI	
	Examiner Ly T. TRAN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 9/14/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/14/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al (US. 2003/0035037) in view of Moriyama et al (USPN 5,739,828).

With respect to claims 1-4, 6 and 7, Mills discloses an apparatus and a method of an image recording comprising: a recording head of an ink jet system for jetting an ultraviolet curable ink on a recording medium to form an image (Abstract); and an irradiation device for radiating an ultraviolet ray to the ink placed on the recording

Art Unit: 2853

medium to cure and fix the ink (Column 3: [0050]), a recording type is a serial print type in which the recording head of the ink jet system and the irradiation device for radiating an ultraviolet ray are mounted on a same carriage (Column 1:[0011]) and a recording type is a line print type (Column 1: [0010]) and four or more recording heads for forming an image by jetting four colors of inks of yellow, magenta, cyan, and black (Column 3: [0050])

However, Mills fails to teach an apparatus has a plurality of recording modes with different image recording speeds for changing a maximum amount of ink to be jetted corresponding to the plurality of recording modes such that the maximum amount of ink to be jetted is a function of image speed, wherein the maximum amount of ink to be jetted is decreased for a recording mode with a high image recording speed, and the maximum amount of ink to be jetted is increased for a recording mode with a low image recording speed, in the plurality of recording modes and generating almost no gap on the recording medium.

Moriyama et al teaches an apparatus has a plurality of recording modes (Abstract) with different image recording speeds for changing a maximum amount of ink to be jetted corresponding to the plurality of recording modes such that the maximum amount of ink to be jetted is a function of image speed (Column 16: line 47-56), wherein the maximum amount of ink to be jetted is decreased for a recording mode with a high image recording speed, and the maximum amount of ink to be jetted is increased for a recording mode with a low image recording speed, in the plurality of recording modes

Art Unit: 2853

(Column 16: line 26-56), generating almost no gap on the recording medium (Fig.30-39).

Moriyama teaches the discharge volume per dot is different between each modes and the amount of ink shot is independently set in order to perform the recording with high quality and at high resolution without regard to input data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the total amount of ink to be jetted is 5 g/m^2 or more, since applicant has not disclosed that the total amount of ink to be jetted is 5 g/m^2 or more solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any amount of ink. .

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al (US. 2003/0035037) in view of Moriyama et al (USPN 5,739,828) as applied to claim 1 above, further in view of Hintermann (US 2004/0189770)

The combination of Mills and Moriyama fails to teach the recording type is a flat bed print type.

Hintermann teaches the recording type is a flat bed print type (Column1: [0003]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made as modify Mills to use a flat bed print type as taught by Hintermann. The motivation of doing is to easily print material that cannot be rolled such as glass.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T. TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LT

October 10, 2006


STEPHEN MEIER
SUPERVISORY PATENT EXAMINER